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U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
DIVISION

Harvinder S. Pujji)

Plaintiff(s),)

v.)

The Honorable Steve Bradbury)
Acting Secretary of)
Transportation)
1200 New Jersey Avenue, S.E.)
Washington, DC 20590)

Case No. _____
(to be assigned by Clerk of District Court)

JURY TRIAL DEMANDED

YES ☒ NO ☐

Defendant(s). (Enter above the full name(s))
of all defendants in this lawsuit. Please)
attach additional sheets if necessary.))

EMPLOYMENT DISCRIMINATION COMPLAINT

1. This employment discrimination lawsuit is based on (check only those that apply):

- ☒ Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e, *et seq.*, for employment discrimination on the basis of race, color, religion, gender, or national origin.
NOTE: *In order to bring suit in federal district court under Title VII, you must first obtain a right-to-sue letter from the Equal Employment Opportunity Commission.*
- ☒ Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. §§ 621, *et seq.*, for employment discrimination on the basis of age (age 40 or older).
NOTE: *In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file charges with the Equal Employment Opportunity Commission.*
- ☒ Americans with Disabilities Act of 1990, as amended, 42 U.S.C. §§ 12101, *et seq.*, for employment discrimination on the basis of disability.
NOTE: *In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a right-to-sue letter from the Equal Employment Opportunity Commission.*

Rehabilitation Act of 1973, as amended, 29 U.S.C. §§ 701, *et seq.*, for employment discrimination on the basis of a disability by an employer which constitutes a program or activity receiving federal financial assistance.

NOTE: *In order to bring suit in federal district court under the Rehabilitation Act of 1973, you must first file charges with the appropriate Equal Employment Office representative or agency.*

Other (Describe)

PARTIES

2. Plaintiff's name: Harvinder S. Pujji

Plaintiff's address: 11317 Fairways Drive

Street address or P.O. Box

Creve Coeur/Saint Louis County/MO/63141

City/ County/ State/Zip Code

(314) 795-4943

Area code and telephone number

3. Defendant's name: The Honorable Steve Bradbury

Defendant's address: 1200 New Jersey Avenue, S.E.

Street address or P.O. Box

Washington, DC 20590

City/County/State/ Zip Code

Area code and telephone number

NOTE: IF THERE ARE ADDITIONAL PLAINTIFFS OR DEFENDANTS, PLEASE PROVIDE THEIR NAMES, ADDRESSES AND TELEPHONE NUMBERS ON A SEPARATE SHEET OF PAPER.

4. If you are claiming that the discriminatory conduct occurred at a different location, please provide the following information:

(Street Address) (City/County) (State) (Zip Code)

5. When did the discrimination occur? Please give the date or time period:

2017-2019

ADMINISTRATIVE PROCEDURES

6. Did you file a charge of discrimination against the defendant(s) with the Missouri Commission on Human Rights?

☐ Yes Date filed: _____

☒ No

7. Did you file a charge of discrimination against the defendant(s) with the Equal Employment Opportunity Commission or other federal agency?

☒ Yes Date filed: 10/15/2018

☐ No

8. Have you received a Notice of Right-to-Sue Letter?

☒ Yes

☐ No

If yes, please attach a copy of the letter to this complaint.

9. If you are claiming age discrimination, check one of the following:

☒ 60 days or more have passed since I filed my charge of age discrimination with the

Equal Employment Opportunity Commission.

_____ fewer than 60 days have passed since I filed my charge of age discrimination with the

Equal Employment Opportunity Commission.

NATURE OF THE CASE

10. The conduct complained of in this lawsuit involves (check only those that apply):

☐ failure to hire me

☒ termination of my employment

☐ failure to promote me

☐ failure to accommodate my disability

☐ terms and conditions of my employment differ from those of similar employees

☒ retaliation

☒ harassment

☐ other conduct (specify):

Did you complain about this same conduct in your charge of discrimination?

☒ Yes

☐ No

11. I believe that I was discriminated against because of my (check all that apply):

- ☒ race
- ☒ religion
- ☒ national origin
- ☐ color
- ☐ gender
- ☒ disability
- ☒ age (birth year is: 05/11/1959)
- ☐ other:

Did you state the same reason(s) in your charge of discrimination?

- ☒ Yes ☐ No

12. State here, as briefly and clearly as possible, the essential facts of your claim. Describe specifically the conduct that you believe is discriminatory and describe how each defendant is involved in the conduct. Take time to organize your statement; you may use numbered paragraphs if you find it helpful. It is not necessary to make legal arguments, or to cite cases or statutes.

(Continue to page 6, if additional space is needed.)

1. In the month of August, 2015 there was a very racial letter was left in my letterbox inside the office. The letter contained remarks like turban head, Taliban, terrorist who would like to take over this office. It was a very disturbing letter. I took it up to my supervisor. He handed it to the accountability board. No investigation was done, and management did nothing about it. In the office if bathroom is used improperly, the issue is brought up in the office all hands meeting. In my case which was much serious thing, was never brought up or discussed.
2. **09/19/2016** I was assigned to investigate an airplane accident. I was assigned two new inspectors who I was responsible to provide training. I was driving Upon reaching the Spirit of St. Louis Airport I had to stop the car on the **side** of a road and called the police department to find the location of the aircraft. Once I got the location. I completed the Investigation, drove back to the office. A few days later I was called into Mr. Pettus office and was asked to review the rules while driving the G Car. I completed the course on line. Next day I was interviewed by the manager of Kansas FSDO regarding the day of the accident investigation. On **1/6/2017** I was given a Memo by Mr. Sadowski. The memo was for 30 days of suspension without pay for the use of Cell phone in a G Car. Even though I was given a warning by Mr. Pettus and I took a Computer course as suggested by Mr. Pettus. This was the first time I felt Mr. Sadowski had something against me. I objected to this decision and appealed to the FSDO manager. My suspension was reduced to 14 days. Later I found out from the two trainee inspectors that they were told by their supervisor to make a report against me. Both the inspectors gave me this fact in a written email

3. The office atmosphere was very Hostile, every day I would to come work fearing something new. I documented all this and complaint to Mr. Cochran who was an acting manager. He raised the issue with his seniors. I was interviewed by the someone from the Agency, but nothing was done.

Mr. Sadowski who was the acting Frontline Manager was promoted to as permanent Frontline Manager for GA section operations. Right from the beginning, he started questioning me, and my work my performance evaluation went down my work was worst in St Louis. Anything I would do was questioned and not approved. This added to my problems. Before him, I was one of the best hardworking inspectors and now the worst. I was a dual rated Pilot in both airplanes and Helicopters. I was appointed as Helicopter Inspector, even though I had more flight time in airplanes. I was one of the resource pilots for the FAA. That meant that I was sent all over the country to do flight observations and check rides in helicopter involving Robinson. R-22 and R-44. During 2017 I was helping Agency as required of me to do. I was travelling and conducting the rides as well as performing my regular duties of a principal inspector.

I had requested to get me qualified for the airplane too, so I can perform additional work. Also, the upward movement for airplane Inspectors was much more than Helicopter Inspectors. My request was never entertained, even when FAA was looking for Airplane Inspectors. People who had joined later were promoted. This was another act by Management specially Mr. Sadowski which I felt was very discriminatory. My application sat on Mr. Sadowski desk for ever and was given any reply.

4. Trained inspectors were still in short supply as OJT training inspectors were not fully trained. Since I was already a resource for training. I was named as I of the candidate to attend the OJT trainer class to be held at St. FSDO. This is required to get you qualified to become OJT trainer. When, you provide training, you are paid additional money with your regular Pay. Day before the class my name was taken off the list. In fact, to the new inspector who I had trained and had not finished their training were attending the class. Upon inquiring from Mr. Cembronovich, the manager in charge of the OJT program I was told that Mr. Sadowski took my name off the list. Inspectors who I was involved in providing the training were in the class. This was another act by Mr. Sadowski which was very discriminatory.
5. I was made fun off regularly for wearing a Turban. I was called a turbine pilot. If you want to get Turbine time fly with Harry. I could not object even though I felt bad.
6. **On October 12, 2017.** Mr. Sadowski gave me Memo. This memo stated that I should be removed from the services and inspector. The reason was that I acted contrary to the FAA's policy. This was completely incorrect charge.
I wrote a detailed reply with witness statements, nothing was investigated or looked at but instead I was suspended without pay for 30 days. (All the above statements and my reply is in my files)
7. The same day I was given this Memo (**October 12 2017**), I was visited by special agents from Inspector General's office. Two special agents came to my home and interviewed me. They told me that they were investigating my activities. My office manager had reported that

1. I take the money and in return issue certificates to my operators.
2. I strong arm my operators and take their planes to fly for personal use.
3. I misuse my position as an FAA Inspector.

They charges were completely bogus. The agents further told me that they had been investigating me and my activities for over 6 weeks on request by the office manager Mr. Guillermo Heredia. The agents report cleared me completely as I had not done any of the stuff the manager claimed.

8. I filed a formal EEO complaint and opted for Alternate dispute resolution.

The day of meeting for ADR. FAA was being represented by Mr. Wayne Fry, the division manager. After introductions and the rules regarding the resolution explained by Mediator. I was given a chance to tell my story, and then Mediator and Mr. Fry consulted with FAA attorney and offered me a deal.

- (1). I will take all my complaints back.
- (2). They will reduce my suspension to 20 days
- (3). I will have to undergo a period of ODP for at least 90 days.
- (4). Upon successful completion of my ODP, I will be allowed to join Scottsdale FSDO.

This offer was very surprising. I was expecting not expecting this as my EEO complaint was for the Discrimination due to religious, cultural and reprisal. This was in violation of several Agreements between PASS and FAA.

1. Mr Fry cannot address my Grievance complaint with union
2. This was direct reprisal by adding more stuff on the suspension.

3. There is set procedure to put employee on ODP. This process was completely eliminated in my case. Once again

My job offer from Scottsdale was not subject to any conditions, I was selected on my Merits.

I did ask the mediator to be able to talk to Mr. Fry and it was allowed. When I asked him about all the things that had happened to me from the letter and till this suspension issue, he was rude and, in his answer, he told me that they are not detectives that they can find out who wrote the letter.

I turned down the so call deal/offer as I had not done anything wrong and was being subjected to reprisal for personal, racial reasons.

10. I would like to another instance were Mr. Sadowski Choose to take an action without any justified reasons.

I tripped and fell down in the office, Ems was called and they found me normal. Mr. Sadowski issued me a letter stating that I am not allowed to drive a G car and he also reported the incidence to FAA medical officer. His concern was not for me or my well-being, but he was just concern about my getting into accident while driving a G Car. Meaning I can drive my personal car to work and on duty but not the G Car. He also gave an incorrect statement to FAA Medical division that I had passed out.

11. Another example to discrimination is

Whenever I had any file returned for correction, he would make a copy and place it in my file, which is very good thing for a manager to do, but he did it only for me and no other inspector. That is what I mean by singling me out.

My letters or statements were corrected before signing but other inspectors with wrong English and

Spellings were not corrected. These documents are available on FSDO's H drive. One example is attached with this as Exhibit 1.

Example of Racial comments

Mr. Heredia the office manager was suspended for making a racial comment towards my Turban. All in the official records. Will produce evidence in Deposition of the person who reported it.

Then the whole process of placing ODP and the way it was carried out was completely irregular and no policy in placed was followed. In fact, that process was imposed in order to remove me from the service. This is the Charge Administrative Judge refused to hear. I had used it in the EEO complaint because that is what led to ODP and dismissal.

12. Then my request for alternate position under ADA. on March 2019 I received an email on my office email from Mr. Sadowski asking when will I can get my FAA medical. He cited Article 66 of the Bargaining union contract. I checked with Dr. Barry FAA medical office in Kansas Region, and he sent me a letter I which he had asked for various medical reports. I saw that, and it looked like it would take me over six months to be able to get all the required report. Due to the above reason, I requested Mr. Sadowski to be reassigned to a job function where I would not need an airmen Medical. This was from the same Article 66 under the American Disabilities Act. Reasonable accommodations.

Mr. Sadowski replied with the request to get Doctors reports explaining what is my disability is and what functions I cannot perform. I was given time to April 10th to give them the letter. I provided him the letter around March 30th. The letter explained that I am able to do all the job functions required

for an FAA inspector to perform, Due to the requirement for operations inspector to have a FAA medical certificate, which I cannot get till I get cleared for Diabetes and Kidneys.

Instead of getting any response I was given a Memo of removal from Federal service on April 7th 2019.

(Attach additional sheets as necessary).

13. The acts set forth in paragraph 12 of this complaint:

☐ are still being committed by the defendant.

☐ are no longer being committed by the defendant.

☐ may still be being committed by the defendant.

REQUEST FOR RELIEF

State briefly and exactly what you want the Court to do for you. Make no legal arguments;
cite no cases or statutes.

Employment reinstated at the similar pay scale of what I would
be now and back pay or compensation for all I have lost
financially and healthwise.

14. Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 18th day of April, 2021.

Signature of Plaintiff Harvard S. Off.